IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 21st March, 2006
Bail Application No. 202 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Sri Mohan Singh Bisht
S/o Sri Kishan Singh Bisht
R/o Village Chokhta Gangwachour
Police Station – Mukteshwar
District – Nainital .....Applicant

Versus

State of Uttaranchal .....Opposite Party

In Case Crime No. 7 of 2005
U/s 395, 412 I.P.C. and 2/3 Gangster and
Anti-social Activities Prevention Act.
Patti – Pandey Gaon
Thane – Mukteshwar
District – Nainital

Hon'ble J. C. S. Rawat, J.

Heard Sri Kailash Joshi-learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The accused was arrested on 15th December, 2005 while the incident took place in the intervening night of 22nd / 23rd, September, 2005. The F.I.R. was lodged without nominating any person. There is no identification parade till date. The only link evidence is that there were signature on the notes which was the subject matter of the dacoity. The notes which were recovered from the possession of the accused were bearing the signature of the complainant. It was contended by the learned counsel for the applicant that the story as narrated u/s 161 Cr.P.C. is not probable. Nobody will make the signature on the notes worth Rs. 70,000/- which were recovered from the possession of the complainant. The recovery of Rs. 2000/- has been shown from the possession of the accused.

Considering the facts and circumstances of the case in totality, I am of the view that it is a fit case for bail.

Let the applicant-accused, Mohan Singh Bisht be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated 21.03.2006
Shiv